

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
CARMEN ROMAN	§	CASE NO. 16-32137-H2
	§	
DEBTOR.	§	CHAPTER 13

**DEBTOR'S MOTION TO VARY UNIFORM PLAN PURSUANT
TO LOCAL BANKRUPTCY RULE 3015(a)(2)**
(Relates to Docket No. 45)

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served to you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

To the Honorable David R. Jones:

COMES NOW, Carmen I. Roman, Debtor in this Chapter 13 Bankruptcy who files this Motion to Vary Uniform Plan Form Pursuant to Local Bankruptcy Rule 3015(a)(2) and would show as follows:

SECTION I
STATEMENT OF THE CASE & BACKGROUND

1. Debtor filed her voluntary petition for relief on April 28, 2016 under Chapter 13 of Title 11, United States Code 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”). The Debtor’s case is pending before the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

2. Debtor’s Chapter 13 Plan has not yet been confirmed.

3. Debtor is an individual with a residence at 5607 Lake Place Dr, Houston, TX, 77041 (hereinafter "Property").

4. Debtor intends on selling her Property and has filed an Application to Employ Keller Williams as her real estate broker in connection with the sale of the Property.

5. Debtor filed an amended plan at docket no. 45 where she proposes to maintain adequate protection payments to lenders secured on the Property and to pay all claims secured on the Property at closing by the title company, which Debtor believes will occur on or before April 1, 2017.

6. In order to abide by this local bankruptcy rules, Debtor seeks to vary from the Uniform Plan to add the following language to Paragraph 16 of the Plan: "Debtor will sell 5607 Lake Place Dr, Houston, TX, 77041 ("Property") on or before April 1, 2017 after notice and hearing for approval of the sale by this Court. All allowed secured claims on the Property shall be paid in full by the title company at the time of closing and Debtor shall provide a copy of all closing documents to the Chapter 13 trustee within 5 days of closing."

7. Debtor believes there is sufficient cause to vary the plan form and that variance of the plan is in the best interests of the Debtor, the estate, the creditors and all parties-in-interest.

SECTION II
JURISDICTION, VENUE, AND CONSTITUTIONAL
AUTHORITY TO ENTER A FINAL ORDER

8. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157(a) and 1334.

9. This Motion is a core proceeding pursuant to 28 U.S.C. § 157(b).

10. Venue is proper pursuant to 28 U.S.C. § 1408 and 1409

SECTION III
RELIEF SOUGHT

11. Debtor requests an Order varying from the Uniform Plan.

SECTION IV
LEGAL AUTHORITIES IN SUPPORT OF THE RELIEF SOUGHT

12. Per 11 U.S.C § 105(a), the bankruptcy court is given broad equitable powers to enforce or implement court orders or rules or to prevent an abuse of process. Debtor requests that this Court allow the variance of the plan in order to facilitate the sale of the Debtor's Property.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays for an Order Varying from the Uniform Plan, and for such other and further relief which the Court deems just and proper.

DATE: August 6, 2016

Respectfully submitted,

CORRAL TRAN SINGH, LLP

/s/Susan Tran

Adam Corral | TBN: 24080404

Susan Tran | TBN: 24075648

Brendon Singh | TBN: 24075646

440 Louisiana St Ste 2450

Houston TX 77002

Ph: (832) 975-7300

Fax: (832) 975-7301

Susan.Tran@ctsattorneys.com

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2016, the following parties on the attached creditor matrix were served a true and correct copy of the foregoing motion via first class mail, facsimile, or electronic notice.

/s/Susan Tran
Susan Tran